

Serial No.: 10/672,367

Attorney Docket No.: 03P8217US

**REMARKS**

Upon entry of the instant amendment, Claims 1-17 and 19-23 are pending. Claims 1, 11, and 19 have been amended to more particularly point out applicants' invention.

Claims 1-3, 5, 9-16, and 18-22 were rejected under 35 U.S.C. §103 as being unpatentable over DeVries, U.S. Patent No. 6,968,179 ("DeVries") in view of Horvitz et al., U.S. Patent Publication No. 2003/0014491 ("Horvitz"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by DeVries or Horvitz, either singly or in combination.

As discussed in response to the previous Official Action, in certain embodiments of the present invention the availability or presence of a user or device may be defined based on location boundary parameters. In some embodiments, the user remote device itself maintains presence and availability rules (which may be transmitted to the remote device) and transmits location changes when a presence would be changed. The user remote device itself make such a determination. The location and presence rules define an availability of a user across various user devices or media.

Thus, claim 1 recites "wherein said presence server is configured to transmit to said plurality of network clients a plurality of availability information defining where said plurality of network clients may be contacted correlated with said position information, said availability information defining parameters within location boundaries of a plurality of contact media;" claim 11 recites "said availability information defining parameters within location boundaries of a plurality of contact media;" and claim 19 recites "said positioning and presence correlation rules defining an availability of a user across a plurality of media at a plurality of user devices or media depending on a detected location of a user." The claims further have been amended to recite "wherein the change in presence and position is associated with a hysteresis."

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In contrast, as discussed in response to previous Official Actions, neither DeVries nor Horvitz appear to provide, inter alia, for remote devices maintaining presence and location rules defining availability across multiple media. Further, neither reference provides, in the claims as amended, "wherein the change in presence and position is associated with a hysteresis." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 4, 17, and 23 have been rejected under 35 U.S.C. as being unpatentable over DeVries, Horvitz and "well known prior art." DeVries and Horvitz have been discussed above. Even assuming that the "well-known prior art" may legitimately be considered so, it fails to teach, inter alia, that transmitting location changes responsive to a presence change or defining availability across plural media, or "wherein the change in presence and position is associated with a hysteresis" as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over DeVries, Horvitz and further in view of Yugami, U.S. Patent Application No. 03/0027583 ("Yugami"). DeVries and Horvitz have been discussed above. Yugami is relied on for allegedly teaching using e-mail to transmit position information. Even assuming that were true, however, like DeVries, and Horvitz, Yugami fails to teach, inter alia, that transmitting location changes responsive to a presence change or defining availability across plural media, or "wherein the change in presence and position is associated with a hysteresis" as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 7 has been rejected under 35 U.S.C. 103 as being unpatentable over DeVries, Horvitz, and further in view of Greene, U.S. Patent Application No. 02/0077080 ("Greene"). DeVries and Horvitz have been discussed above. Greene is relied on for allegedly teaching using IM to transmit position information. Even assuming that were true, however, like DeVries and Horvitz, Greene fails to teach, inter

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alia, that transmitting location changes responsive to a presence change or across plural media, or "wherein the change in presence and position is associated with a hysteresis" as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 8 has been rejected under 35 U.S.C. 103(a) as being unpatentable over DeVries, Horvitz, and further in view of Watanabe et al., U.S. Patent Application No. 04/0203894 ("Watanabe"). DeVries and Horvitz have been discussed above. Watanabe is relied on for allegedly teaching using SIP to transmit position information. Even assuming that were true, however, like DeVries and Horvitz, Watanabe fails to teach, inter alia, that transmitting location changes responsive to a presence change or defining availability across plural media, or "wherein the change in presence and position is associated with a hysteresis" as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully submitted,

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